

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN THE MATTER OF THE ARBITRATION	:	Case No. <u>07-cv-6479 (RJH)(JCF)</u>
	:	ECF CASE
BETWEEN	:	
	:	
SUPREME OIL COMPANY, INC.	:	
	:	
Petitioner,	:	
	:	
and	:	
	:	
UFCW LOCAL 174 COMMERCIAL HEALTH	:	
CARE FUND AND COMMERCIAL PENSION	:	
FUND,	:	
	:	
Respondents.	:	
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RICHARD ABONDOLO, as Chairman of the Board of	:	Case No. <u>07-cv-6537 (RJH)(JCF)</u>
Trustees of UFCW LOCAL 174 COMMERCIAL	:	ECF CASE
HEALTH CARE FUND and RICHARD ABONDOLO, as	:	
Chairman of the Board of Trustees of UFCW LOCAL 174	:	
COMMERCIAL PENSION FUND,	:	
	:	
Petitioners,	:	<b>NOTICE OF</b>
	:	<b>CROSS-MOTION</b>
	:	
-against-	:	
	:	
SUPREME OIL COMPANY, INCORPORATED a/k/a	:	
SUPREME OIL COMPANY, INC.,	:	
	:	
Respondent.	:	
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To: Starr, Gern, Davidson & Rubin, P.C.  
Attn: Jonathan J. Lerner, Esq.  
105 Eisenhower Parkway  
Roseland, NJ 07068

SIR:

PLEASE TAKE NOTICE that on a date set down by The Honorable Richard J. Holwell, U.S.D.J., the undersigned, attorneys for United Food & Commercial Workers, AFL-CIO Local 174 Commercial Health Care Fund and the Local 174 Commercial Pension Fund, RICHARD

ABONDOLO, as Chairman of the Board of Trustees of UFCW LOCAL 174 COMMERCIAL HEALTH CARE FUND and RICHARD ABONDOLO, as Chairman of the Board of Trustees of UFCW LOCAL 174 COMMERCIAL PENSION FUND (collectively hereinafter referred to as the "Funds"), will cross-move before The Honorable Richard J. Holwell, U.S.D.J., at the U.S. District Court, Southern District of New York, 500 Pearl Street, Courtroom 17B, New York, New York 10007, for an Order:

- 1) denying Supreme Oil's Application to Vacate the Arbitration Award in its entirety;
- 2) granting the Funds' Cross-Motion in its entirety, confirming the Arbitration Award, granting attorneys' fees as stated herein in connection with enforcing the Arbitration Award and defending the action commenced by Supreme Oil plus costs; and
- 3) granting the Arbitrator's fees; and

PLEASE TAKE FURTHER NOTICE that in support of the within cross-motion, the Funds shall rely upon the Affirmation of Andrew John Calcagno with exhibit, and Brief with exhibits submitted herewith.

/s Andrew John Calcagno  
ANDREW JOHN CALCAGNO  
CALCAGNO & ASSOCIATES  
ATTORNEYS AT LAW, LLC  
Attorneys for the Funds

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Dated: February 11, 2008